

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

FILED

2 - 2002

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U.S. DISTRICT COURT  
MIDDLE DISTRICT OF ALA.**DEBBIE RHODES,****Plaintiff,****vs.****CASE NO. 2002-B-620-N****SOUTHEAST WAFFLES, LLC****d/b/a WAFFLE HOUSE, and****DEWEY PAUL,****Defendants.**

**MOTION TO DISMISS TITLE VII CLAIMS  
AGAINST INDIVIDUAL DEFENDANT DEWEY PAUL**

Comes now Defendant Dewey Paul and respectfully moves this Court to dismiss Plaintiff's claims against him as the Complaint fails to state a claim against him upon which relief may be granted. Plaintiff alleges that in violation of Title VII, 42 U.S.C. § 2000e, she suffered discrimination on the basis of her sex with respect to the terms and conditions of her employment, because of the Defendants' creation of a sexually hostile work environment (Count I). The law in this circuit is well settled that there is no individual liability under Title VII. *Edwards v. Wallace Community College*, 49 F.3d 1517 (11<sup>th</sup> Cir. 1995); *Cross v. Alabama*, 49 F.3d 1490 (11<sup>th</sup> Cir. 1995); *Busby v. Orlando*, 931 F.2d 764 (11<sup>th</sup> Cir. 1994); *Hamm v. Lakeview Community Hosp.*, 950 F. Supp. 330, 333 (M.D. Ala. 1996). Thus, Plaintiff's claims against Defendant Dewey Paul should be dismissed.

Respectfully submitted this 20<sup>th</sup> day of September, 2002.



One of the Attorneys for Defendants  
SouthEast Waffles, LLC d/b/a Waffle House and  
Dewey Paul

OF COUNSEL:

Charles B. Paterson (PAT1542)  
Rhonda Mayse Garman (GAR079)  
Balch & Bingham LLP  
Post Office Box 78  
Montgomery, Alabama 36101  
Telephone: (334) 834-6500  
Facsimile: (334) 269-3115

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the above and foregoing upon the following counsel of record by placing same in the United States Mail, postage prepaid and properly addressed this the 20<sup>th</sup> day of September 2002:

Richard D. Lively  
Law Office of Richard D. Lively  
969 East Main Street  
Prattville, Alabama 36066



Of Counsel